

# EXHIBIT E

**RICK ANDREOTTI Volume 1 Confidential  
FREDERICK (RIC) SCHIFF vs SAN FRANCISCO**

**January 07, 2022  
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<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE</p> <p>3 NORTHERN DISTRICT OF CALIFORNIA</p> <p>4</p> <p>5 FREDERICK (RIC) SCHIFF, et al.,</p> <p>6 Plaintiff,</p> <p>7 vs. No. 4:19-cv-03260-YGR</p> <p>8 CITY and COUNTY of</p> <p>9 SAN FRANCISCO, et al.,</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 * CONFIDENTIAL *</p> <p>15 VIDEOCONFERENCE DEPOSITION OF</p> <p>16 RICK ANDREOTTI</p> <p>17 Friday, January 7, 2022</p> <p>18 10:03 a.m. - 10:51 a.m.</p> <p>19 Volume 1</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 JODI L. BOSETTI, CSR No. 11316, RPR</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 WITNESS EXAMINATION</p> <p>4 RICK ANDREOTTI</p> <p>Volume 1</p> <p>5</p> <p>6</p> <p>7 BY MR. MULLANAX 4, 39</p> <p>8 BY MR. COWMAN 17</p> <p>9 BY MR. LUCIA 39</p> <p>10</p> <p>11 EXHIBITS</p> <p>12 DEPOSITION PAGE</p> <p>13 Exhibit A Cover of the POA Journal from 9</p> <p>December of 2017</p> <p>14</p> <p>15 Exhibit B Ten-page PDF of meeting notes from 22</p> <p>November 16, 2017</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES OF COUNSEL</p> <p>2</p> <p>3 For Plaintiffs Frederick (Ric) Schiff, et al.:</p> <p>4 M GREG MULLANAX LAW OFFICE</p> <p>BY: M. GREG MULLANAX</p> <p>5 Attorney at Law</p> <p>2140 N. Winery Avenue, Suite 101</p> <p>6 Fresno, California 93703</p> <p>(559) 420-1222</p> <p>7 greg@lawmgm.com</p> <p>8</p> <p>9 For Defendant City and County of San Francisco:</p> <p>10 OFFICE OF CITY ATTORNEY DENNIS HERRERA</p> <p>BY: PETER A. COWAN</p> <p>11 Deputy City Attorney</p> <p>1390 Market Street, 5th Floor</p> <p>12 San Francisco, California 94102</p> <p>(415) 554-4700</p> <p>13 peter.cowan@sfcityattys.org</p> <p>14</p> <p>15 For San Francisco POA:</p> <p>16 RAINS LUCIA STERN ST. PHALLE &amp; SILVER, PC</p> <p>BY: ROCKNE A. LUCIA, JR.</p> <p>17 Attorney at Law</p> <p>2300 Contra Costa Boulevard, Suite 500</p> <p>18 Pleasant Hill, California 94523</p> <p>(925) 609-1699</p> <p>19 rlucia@rlslawyers.com</p> <p>20</p> <p>21 Also Present:</p> <p>22 RIC SCHIFF</p> <p>DAN KELLY</p> <p>23 CLAYTON HARMSTON</p> <p>DAVID O'KEEFE</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 Videoconference, Friday, January 7, 2022</p> <p>2 10:03 a.m. - 10:51 a.m.</p> <p>3</p> <p>4 RICK ANDREOTTI,</p> <p>5 having been administered an oath, was examined and</p> <p>6 testified as follows:</p> <p>7</p> <p>8 EXAMINATION</p> <p>9 BY MR. MULLANAX:</p> <p>10 Q Good morning.</p> <p>11 A Good morning.</p> <p>12 Q Mr. Andreotti, you're still employed by the</p> <p>13 San Francisco Police Department; is that correct?</p> <p>14 A Yes, sir.</p> <p>15 Q And what is your current rank?</p> <p>16 A Police officer.</p> <p>17 Q Okay. Officer Andreotti, my name is Greg</p> <p>18 Mullanax. I'm an attorney in Fresno, California. I</p> <p>19 represent Ric Schiff and the other plaintiffs in a</p> <p>20 lawsuit against the City and County of San Francisco</p> <p>21 alleging improper promotional practices. So I'm here</p> <p>22 today to take your deposition. And I don't think it</p> <p>23 will take very long because we have really just about</p> <p>24 one or two things I want to ask you about.</p> <p>25 But have you been deposed previously?</p>



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<p style="text-align: right;">Page 5</p> <p>1 A Once or twice.</p> <p>2 Q Okay. This deposition proceeding will</p> <p>3 probably be like the others, but there's just a couple</p> <p>4 of things I want to remind you of. One is that your</p> <p>5 testimony today is under oath just as if you were</p> <p>6 testifying in court before a judge or a jury. Do you</p> <p>7 understand that?</p> <p>8 A Absolutely.</p> <p>9 Q Okay. And I'm from Texas and people out here</p> <p>10 think I talk funny, so if I ask a question and you</p> <p>11 don't understand it, please let me know and I'll be</p> <p>12 happy to reask it. Will you be able to do that?</p> <p>13 A Yes, sir.</p> <p>14 Q If you want to take a break for any reason,</p> <p>15 let us know. Peter and I have been doing a lot of</p> <p>16 depositions the last few weeks, so we customarily</p> <p>17 break after an hour, but I don't think your deposition</p> <p>18 will last an hour. But if you want to take a break</p> <p>19 anyway, just let us know.</p> <p>20 A Thank you.</p> <p>21 Q First of all, let me just ask you some</p> <p>22 background questions and then we'll get into the meat</p> <p>23 of the case and then we'll be finished.</p> <p>24 A Okay.</p> <p>25 Q When did you join the San Francisco Police</p>	<p style="text-align: right;">Page 7</p> <p>1 A No. Right now I'm just a dues-paying member.</p> <p>2 Q Well, previously did you hold any office</p> <p>3 positions within the POA?</p> <p>4 A Yes, I did.</p> <p>5 Q And what position did you hold?</p> <p>6 A Secretary, vice president, and for a short</p> <p>7 while, sergeant at arms.</p> <p>8 Q And --</p> <p>9 A I'm sorry. Go ahead.</p> <p>10 Q I was just going to ask you. Do you remember</p> <p>11 the time period during which you were the secretary?</p> <p>12 A Well, I can answer this. I was the secretary</p> <p>13 the month of November of 2017.</p> <p>14 Q Okay. That was -- I was going to follow up</p> <p>15 with that.</p> <p>16 In your position as secretary, what were your</p> <p>17 duties as secretary?</p> <p>18 A To take notes during the membership meetings</p> <p>19 and then to transfer those notes into the minutes and</p> <p>20 then publish the minutes in the journal.</p> <p>21 Q Now, I'm going to direct your attention to a</p> <p>22 meeting that the POA had in November of 2017 at the</p> <p>23 Irish Cultural Center in which Chief Scott appeared.</p> <p>24 Do you recall that meeting?</p> <p>25 A Yes, I do.</p>
<p style="text-align: right;">Page 6</p> <p>1 Department?</p> <p>2 A April of 2023. I'm sorry, I'm retiring in</p> <p>3 2023. April of 2013.</p> <p>4 Q Okay. And where are you currently stationed?</p> <p>5 A Company K traffic division.</p> <p>6 Q And you're a member of the San Francisco</p> <p>7 Police Officers Association?</p> <p>8 A Yes.</p> <p>9 Q And what is the San Francisco Police Officers</p> <p>10 Association?</p> <p>11 A The San Francisco Police Officers Association</p> <p>12 is a group of members or sworn members in a police</p> <p>13 department, all the way up to and including the rank</p> <p>14 of captain. And the general purpose of the -- the</p> <p>15 gist of the police officers association is to</p> <p>16 represent the officers and protect the officers'</p> <p>17 rights under the police officer bill of rights and to</p> <p>18 negotiate with the City with contracts and policies</p> <p>19 and things like that. That's the general purpose of</p> <p>20 the association.</p> <p>21 Q And how long have you been a member of the</p> <p>22 POA?</p> <p>23 A Since joining the police department.</p> <p>24 Q Now, you're pretty active in the POA, aren't</p> <p>25 you?</p>	<p style="text-align: right;">Page 8</p> <p>1 Q Were you the secretary, acting secretary at</p> <p>2 that meeting?</p> <p>3 A I was.</p> <p>4 Q Did you take the minutes of that meeting?</p> <p>5 A I took notes during that meeting and then I</p> <p>6 transcribed them into minutes, yes.</p> <p>7 Q Did you make any recordings of the meetings,</p> <p>8 like audio or visual recordings?</p> <p>9 A No, sir.</p> <p>10 Q So I'm going to show you -- I'm going to</p> <p>11 share the screen with you. Can you see this?</p> <p>12 A I can, yes.</p> <p>13 Q And do you recognize this as the POA journal</p> <p>14 from December of 2017?</p> <p>15 A I'm just looking for the date.</p> <p>16 Q I can make it bigger.</p> <p>17 A Yeah.</p> <p>18 Q Can you see it better that way?</p> <p>19 A No. I don't see the date on there.</p> <p>20 Q It's --</p> <p>21 A Oh, I'm sorry. Yes, I see it. Yes,</p> <p>22 November 2017, correct. This issue would include the</p> <p>23 minutes from a November of 2017 meeting.</p> <p>24 MR. MULLANAX: I'm just representing to Peter,</p> <p>25 that -- Peter, what I did was I had the whole document</p>



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<p style="text-align: right;">Page 9</p> <p>1 and I just broke it down to three pages. It doesn't 2 have the minutes, if that's okay, otherwise I can just 3 introduce the whole thing. 4 MR. COWNAN: That's fine. 5 (Deposition Exhibit A marked.) 6 BY MR. MULLANAX: 7 Q I'm going to mark this as Exhibit A. As you 8 can see, it's the cover of the POA journal from 9 December of 2017 on page 1. And we can go down to 10 page 2. It starts with the minutes of the 11 November 16th, 2017, general membership meeting. 12 Can you see that -- 13 A I can. 14 Q -- officer? 15 A Yes, sir. 16 Q Do you recall -- do you remember Chief Scott 17 being present at that meeting? 18 A Yes, I do. 19 Q And do you recall if the promotional process 20 was a big issue with the POA at that time? 21 A Yes, it was. 22 Q And what was the talk about the promotions at 23 the time with the POA or the general feeling? 24 A The general feeling was that the selection 25 process wasn't going in rank order, meaning that</p>	<p style="text-align: right;">Page 11</p> <p>1 there were promotions from the time he came on until 2 this round of promotions. There may have been, I 3 don't know. 4 Q Okay. I'm going to scroll down. And can you 5 see this highlighted portion? I can enlarge it. 6 A I can see it. 7 Q Can you see it okay? 8 A Yes, sir. 9 Q It says, "Promotions: Chief Scott reminded 10 members he has an open-door policy for anyone who did 11 not get promoted. He stated the Rule of 10 will 12 continue and that everyone on the promotional list 13 will get promoted. More promotions will come in the 14 future." Is that what you wrote? 15 A Yes, sir. 16 Q And when you wrote this, at what time did you 17 write this in relation to when the meeting actually 18 happened? 19 A So exactly when I wrote it, I don't know. 20 But what I can testify to is I'm the type of person 21 that does not sit on work. If I have work to do, I 22 like to get it done so I don't get backlogged. So 23 this meeting happened on a Thursday, and I most likely 24 had it done over the weekend and ready by that Monday 25 or Tuesday of that week, the following week. So I do</p>
<p style="text-align: right;">Page 10</p> <p>1 people were getting skipped on the list. 2 Q Okay. And my understanding is that Chief 3 Scott became chief of the San Francisco Police 4 Department in January of 2017. Am I accurate in that 5 or do you know? 6 A That sounds about right. I don't know that 7 that month is exactly when he came on, but it was 8 shortly before this meeting. 9 Q Okay. And then this meeting, I believe in 10 October of 2017, there were promotions made. Do you 11 recall those rounds? I think there was sergeant and 12 lieutenant and probably captains at that time also. 13 A I don't recall exactly when promotions were 14 made. 15 Q Did the promotions, the promotions that 16 happened before this meeting which you testified that 17 a lot of people were concerned about, did that 18 promotional process seem different than had been 19 previously in the years leading up to that? 20 A Well, so I'm a lateral. Like I said, I 21 joined the department in 2013, and I am not sure if 22 between the time I started and this round of 23 promotions, if there were promotions before. There 24 may have been. It's just I wasn't involved, so I 25 really didn't pay attention to it. So I don't know if</p>	<p style="text-align: right;">Page 12</p> <p>1 it shortly thereafter. 2 Q And when you compile the minutes, what do you 3 do with the minutes after you finish preparing them? 4 A Generally, I would send a copy of the minutes 5 to Marty Halloran to review. It's always nice to have 6 a second set of eyes to look at your work for typos or 7 proper grammar, whatnot, and content, then I would 8 submit them. 9 Q And who is Marty Halloran? 10 A At the time he was the president of the POA. 11 Q And do you remember what his rank was in the 12 police department at that time? 13 A Sergeant inspector, maybe, or just sergeant, 14 one of the two. 15 Q Okay. So did you have any feedback from 16 Sergeant Halloran after you submitted your minutes to 17 him? 18 A I don't specifically recall. 19 Q Okay. If you had, would you have made 20 changes or would you have all discussed changes that 21 he may have thought that needed to be made? 22 MR. COWNAN: Objection. Speculation. 23 Go ahead, sir. 24 THE WITNESS: I'm sorry, this is where -- I'm 25 used to criminal court. I'm waiting for a ruling.</p>



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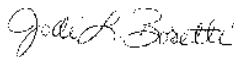
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<p style="text-align: right;">Page 13</p> <p>1 Sorry.</p> <p>2 Let me say, Greg, repeat -- you don't mind me</p> <p>3 calling you by your first name, do you?</p> <p>4 BY MR. MULLANAX:</p> <p>5 Q No, I don't mind at all. I've been called a</p> <p>6 lot worse.</p> <p>7 A Repeat the question, Greg.</p> <p>8 Q My question is, the gist of it is, if</p> <p>9 Sergeant Halloran maybe had a dispute about what you</p> <p>10 wrote or remembered something differently, would you</p> <p>11 all have talked about it? And if so, would you have</p> <p>12 made changes to your minutes?</p> <p>13 MR. COWNAN: Same objection.</p> <p>14 Go ahead.</p> <p>15 THE WITNESS: We would have talked about it</p> <p>16 because I might have made a change. One thing about</p> <p>17 Marty Halloran, he has a tremendous memory.</p> <p>18 BY MR. MULLANAX:</p> <p>19 Q I'm going to scroll back up on page 2 here.</p> <p>20 And on the far right-hand column, it says that</p> <p>21 President Halloran asked the Chief to explain the Rule</p> <p>22 of 10. And then he goes on to say here, "Chief Scott</p> <p>23 explained the Rule of 10. In summary, he can look at</p> <p>24 candidates nine above the number of open positions.</p> <p>25 Deputy chiefs reviewed all candidate's secondary</p>	<p style="text-align: right;">Page 15</p> <p>1 what you heard the chief say at that meeting in</p> <p>2 November of 2017?</p> <p>3 A Yes.</p> <p>4 Q Okay. Now, let me just scroll down just so</p> <p>5 Peter and everyone else can see.</p> <p>6 The last page of this document, it appears to</p> <p>7 conclude the minutes. And this is page 3 of the POA</p> <p>8 journal from December of 2017. And it says -- I have</p> <p>9 it highlighted here -- "Submitted by Rick Andreotti,</p> <p>10 Secretary." Is that you?</p> <p>11 A Yes, sir.</p> <p>12 Q Now, after these meetings and after you</p> <p>13 submit the minutes, I guess to the board, is there</p> <p>14 some procedure where the board ratifies or approves</p> <p>15 the minutes is submitted?</p> <p>16 A So at the following meeting the board will</p> <p>17 approve the minutes from the prior month.</p> <p>18 Q Okay. And do you remember if these minutes</p> <p>19 were approved --</p> <p>20 A Yes, they were.</p> <p>21 Q -- by the board?</p> <p>22 I'm sorry, I interrupted you?</p> <p>23 A Yes. Yes, they were.</p> <p>24 Q Do you recall the reaction of the general</p> <p>25 membership who attended the meeting of Chief Scott's</p>
<p style="text-align: right;">Page 14</p> <p>1 criteria and determined if a candidate was eligible or</p> <p>2 not eligible for promotion. The chief then looks at</p> <p>3 the needs of the department. He determines the</p> <p>4 diversity of experience, diversity of race, diversity</p> <p>5 of sex, and diversity of culture in determining who he</p> <p>6 selects."</p> <p>7 Did you write that portion of the minutes?</p> <p>8 A Yes, I did.</p> <p>9 Q Do you have a recollection -- were you there</p> <p>10 when Chief Scott made these statements?</p> <p>11 A Yes.</p> <p>12 Q And you heard Chief Scott make these</p> <p>13 statements?</p> <p>14 A Yes.</p> <p>15 Q And then just one -- the other highlighted</p> <p>16 portion just says, "A board of director member asked</p> <p>17 the chief if a candidate gets skipped a second time,</p> <p>18 will they get more information as to why they got</p> <p>19 skipped. And Chief Scott stated that he picks from a</p> <p>20 pool of candidates and not in rank order. Rank order</p> <p>21 is not the best route for the department."</p> <p>22 Did you hear the chief make those statements</p> <p>23 also?</p> <p>24 A Yes.</p> <p>25 Q And so this is an accurate description of</p>	<p style="text-align: right;">Page 16</p> <p>1 remarks regarding the promotional process?</p> <p>2 A Somewhat.</p> <p>3 Q And what do you recall about that?</p> <p>4 A I just remember the reaction was, you know,</p> <p>5 people turning and looking at each other, kind of got</p> <p>6 a little quiet, almost, yeah, just looking at each</p> <p>7 other.</p> <p>8 Q Did you talk to anybody about his comments</p> <p>9 after he made them? And let me rephrase that.</p> <p>10 Did you speak with anybody about Chief</p> <p>11 Scott's comments about using race and gender in making</p> <p>12 promotional decisions after the chief made those</p> <p>13 comments?</p> <p>14 A I don't recall. Normally I'm trying to pay</p> <p>15 attention to what is being said so I can best</p> <p>16 accurately document things that are said.</p> <p>17 Q And when you took those minutes, had you had</p> <p>18 any alcohol that evening?</p> <p>19 A No, not at that point. I don't believe I had</p> <p>20 any that night. But if I did, it would have been</p> <p>21 towards the end of the meeting, when things slow down</p> <p>22 a bit.</p> <p>23 Q Okay.</p> <p>24 A Certainly not during the chief's comments,</p> <p>25 absolutely not.</p>

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<p style="text-align: right;">Page 41</p> <p>1 that the notes are going to be marked as Exhibit B.</p> <p>2 And, Greg, I didn't go through the process of</p> <p>3 laying foundation for those. Can we stipulate as to</p> <p>4 the authenticity of the documents?</p> <p>5 MR. MULLANAX: Yes. Mr. Andreotti, he said that</p> <p>6 those were his notes, so I don't have any problem with</p> <p>7 that.</p> <p>8 MR. COWNAN: Great. And I think we're done.</p> <p>9 Let's go off the record.</p> <p>10 MR. MULLANAX: Yeah, let's go off the record.</p> <p>11 (Recess.)</p> <p>12</p> <p>13 (The deposition concluded at 10:51 a.m.)</p> <p>14 --oOo--</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 43</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2</p> <p>3 Our Assignment No. J7782932</p> <p>4 Case Caption: Schiff vs. City and County of SF</p> <p>5</p> <p>6 DECLARATION UNDER PENALTY OF PERJURY</p> <p>7</p> <p>8 I declare under penalty of perjury that I</p> <p>9 have read the entire transcript of my deposition taken</p> <p>10 in the above-captioned matter or the same has been</p> <p>11 read to me, and the same is true and accurate, save</p> <p>12 and except for changes and/or corrections, if any, as</p> <p>13 indicated by me on the DEPOSITION ERRATA SHEET</p> <p>14 hereof, with the understanding that I offer these</p> <p>15 changes as if still under oath. Signed on the _____</p> <p>16 day of _____, 20____.</p> <p>17</p> <p>18 _____</p> <p>19 RICK ANDREOTTI</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 42</p> <p>1 REPORTER'S CERTIFICATION</p> <p>2</p> <p>3 I, JODI L. BOSETTI, a Certified Shorthand</p> <p>4 Reporter of the State of California, do hereby</p> <p>5 certify:</p> <p>6 That the foregoing proceedings were taken before</p> <p>7 me at the time and place herein set forth; that any</p> <p>8 witnesses in the foregoing proceedings, prior to</p> <p>9 testifying, were duly sworn; that a record of the</p> <p>10 proceedings was made by me using machine shorthand and</p> <p>11 later transcribed into typewriting under my direction;</p> <p>12 that the foregoing is a true record of the testimony</p> <p>13 and proceedings taken at that time.</p> <p>14 I further certify that I am not of counsel or</p> <p>15 attorney for either or any of the parties to said</p> <p>16 proceedings, nor in any way interested in the outcome</p> <p>17 of the cause named in said caption.</p> <p>18 IN WITNESS WHEREOF, I have this date subscribed</p> <p>19 my name.</p> <p>20 DATED: January 24, 2022</p> <p>21</p> <p>22 </p> <p>23 _____</p> <p>24 JODI L. BOSETTI, CSR No. 11316, RPR</p> <p>25</p>	<p style="text-align: right;">Page 44</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2</p> <p>3 Page No. _____ Line No. _____ Change</p> <p>4 to: _____</p> <p>5 _____</p> <p>6 Reason for</p> <p>7 change: _____</p> <p>8 Page No. _____ Line No. _____ Change</p> <p>9 to: _____</p> <p>10 _____</p> <p>11 Reason for</p> <p>12 change: _____</p> <p>13 Page No. _____ Line No. _____ Change</p> <p>14 to: _____</p> <p>15 _____</p> <p>16 Reason for</p> <p>17 change: _____</p> <p>18 Page No. _____ Line No. _____ Change</p> <p>19 to: _____</p> <p>20 _____</p> <p>21 Reason for</p> <p>22 change: _____</p> <p>23 Page No. _____ Line No. _____ Change</p> <p>24 to: _____</p> <p>25 _____</p>



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